

## **Records Management Recommended Practice – Obtaining internal agency assurances for proposed dispositions for temporary records that protect legal rights and assure accountability**

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Valid until superseded or revoked.

- 1. What is this guidance?** Many agencies include the concurrence of program and legal staff on the Standard Form (SF) 115, Request for Records Disposition Authority, which is submitted to the National Archives and Records Administration (NARA) when scheduling records. The concurrence is done to document the process for determining that proposed retentions meet statutory requirements and support agency business needs, including the need to mitigate risks to the agency. This guidance recommends this practice to all agencies and conveys information on the different ways and times that agencies may obtain appropriate internal agency assurances for temporary Federal records that protect legal rights and document government accountability prior to submitting an SF 115, to NARA for approval. The goal of agency assurances is to provide a means for agencies to take reasonable measures to protect rights and assure accountability.
- 2. What are agency assurances?** Agency assurances are internal agency clearances or approvals that may be obtained formally (e.g., with a written concurrence signature on the SF 115, Request for Disposition Authority, or other agency document) or informally (e.g., by consulting with and obtaining the verbal approval of an individual, or a group of agency personnel who review proposed record dispositions). Agency assurances help validate the proposed disposition of temporary Federal records that document the legal rights of citizens or the Government and Government accountability. These assurances may be obtained from agency program managers, the agency's legal counsel, the agency's policy office, or other officials that have an interest in making sure the disposition of the records is appropriate and that they are maintained for a sufficient period of time to protect legal rights and assure accountability.
- 3. When does NARA recommend obtaining agency assurances?** NARA recommends that agencies obtain either formal or informal agency assurances from program and legal personnel when an agency activity – and therefore the records documenting it – affects the rights, health, or well-being of American citizens or foreign nationals in a significant way, or have an important impact on citizens who do business with the agency. NARA also recommends this practice when the activity involves very high dollar amounts or significant accountability issues, or because of a high likelihood of litigation.
- 4. What assurances are agency officials providing to NARA?** Below is a short description of what each responsible official is assuring NARA. In each case, the standard is not absolute certitude; it is a statement of assurance at the “to the best of my knowledge” level of certainty.

### **Records Officer**

Consistent with the current agency certification in Box 6 of an SF 115, Request for Disposition Authority, each agency's records officer is assuring NARA that he or she is authorized to act for the agency in matters pertaining to the disposition of its records; that the

records proposed for disposal are not now needed for the business of the agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office (GAO) under the provisions of Title 8 of the GAO Policies and Procedures Manual for Guidance of Federal Agencies is not required, is attached to the SF 115, or has been requested. This is part of the government accountability review, and the records officer's signature is the only assurance required by NARA on the SF 115. Because mitigation of risk supports agency business, NARA also recommends that in the situations described in paragraph 3, either:

- the Records Officer indicate here that he or she has consulted with program officials and legal counsel, or
- that those officials also sign the SF 115, as indicated below.

### **Program Official**

The responsible program official reviews the proposed dispositions to confirm that he or she has taken into account all of the recordkeeping requirements associated with the creation and maintenance of the temporary records related to the program function. This is the basic internal business needs review. This assurance helps support the certification in Box 6 of the SF 115 made by the agency records officer.

### **Attorney in the agency's legal office**

An attorney in the agency's legal office reviews the non-permanent dispositions and verifies that the retention periods are consistent with the minimum retentions required by applicable laws and regulations. This is the basic citizen and government rights/accountability review. In signing the SF 115, the attorney also affirms that he or she has considered existing lawsuits and the needs of the agency to document its actions in the event of litigation, and that to the best of his or her knowledge the proposed retentions meet these agency needs.

### **Other Agency Officials and Stakeholder Groups**

If it chooses, an agency may also provide additional information supporting its assurances, or involve other agency officials in the assurance process, such as an agency historian, Inspector General staff, and the like. An example of supporting information might include a summary of public comments that the agency received concerning the disposition of records from affected stakeholder groups. Such additional supporting information is optional.

- 5. Where can I find more information about agency assurances and the scheduling process?** Your records officer should address questions to the NARA appraiser or records analyst with whom your agency normally works. A list of the appraisal and scheduling work groups is posted on the NARA web site at [http://www.archives.gov/records\\_management/policy\\_and\\_guidance/appraisal\\_and\\_scheduling.html](http://www.archives.gov/records_management/policy_and_guidance/appraisal_and_scheduling.html) . The Records Management staff in NARA's regional offices can also provide assistance. A complete list of NARA regional facilities may be found at <http://www.archives.gov/facilities/index.html> .